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JUN 03 2000

GROUP 1700**RECEIVED**

NOV 13 2000

OFFICE OF PETITIONS

FASCIMILE COVER SHEET

DATE: July 3, 2000

Number of Pages: 12
(including Cover Sheet)

To: Examiner Warden
Fax Number: 703-305-7719
Phone Number: 703-308-4037

APPLICANT: Overbeck et al.
SERIAL NO: 09/079,324
FILING DATE: May 14, 1998

COMMENTS:

As I mentioned in my voice mail, I am enclosing a copy of a Petition under 37 CFR §1.182 and 37 CFR §1.182 faxed to Examiner Lee on May 16, 2000. Please call me about the status of this application at your convenience.

CERTIFICATION OF FACSIMILE TRANSMISSION

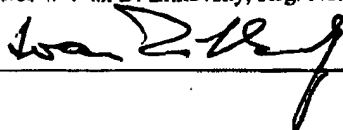
I hereby certify that the enclosed total of 12 pages including cover sheet is being facsimile transmitted to the fax number shown above, in the above-referenced application, to the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person: Ivan D. Zitkovsky, Reg. No. 37,482

Date:

July 3, 2000

Signing Certification



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WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210
(617) 720-3500
Fax (617) 720-2441

FAX COVER SHEET

DATE: May 16, 2000TO: Examiner Long Le -- Technology Center 1743APPLICANT: Overbeck et al.SERIAL NO: 09/079,342FILING DATE: May 14, 1998TITLE: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING
ORDERED ARRAYS. TECHNIQUES OF DEPOSITED ARRAYSFAX NO: 703/305-7719Number of Pages (including Cover Sheet): 11

ORIGINAL DOCUMENTS WILL BE SENT:

1st ClassOvernightAir MailX Not Sent

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that a Request to Withdraw Decision to Convert to a Provisional Application Under 37 C.F.R. 1.53(b)(2)(ii) in the above-referenced application (Total of 11 pages including cover sheet) is/are being facsimile transmitted Examiner Le at the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person

Ivan Zitkovsky

Date:

May 16, 2000

Signing Certification

Ivan Zitkovsky

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IF YOU DID NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION OR IF ANY OF THE PAGES ARE ILLEGIBLE, PLEASE CALL IMMEDIATELY AT (617) 720-3500

WG&S File Number: A0749/7004

ATTORNEY'S DOCKET NO: A0749/7004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Overbeck et al.
Serial No.: 09/079,324
Filed: May 14, 1998
For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

Examiner: L. Le
Art Unit: 1743

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir/Madam:

Transmitted herewith for filing is/are the following document(s):

- ☒ Petition under Rule 1.182 and/or 1.183
- ☒ Revocation and New Power of Attorney
- ☒ Copy of Filing Receipt (received September 9, 1998)
- ☒ Copy of Decision on Petition to Convert to A Provisional Application
- ☒ Deposit Account Authorization

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.


Please charge any underpayment or credit any overpayment to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

CERTIFICATE OF FACSIMILE TRANSMITTAL

The undersigned hereby certifies that this document is being facsimile transmitted to Examiner L. Le, Technology Center 1743, fax no. 703-305-7719, on the 16th day of May 2000.


Ivan Zitkovsky

Respectfully submitted,


Ivan D. Zitkovsky, Reg. No. 37,482
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone No. (617) 720-3500
Attorneys for Applicants

Docket No.: A0749/7004
Dated: May 16, 2000

ATTORNEY'S DOCKET NO: A0749/7004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Overbeck et al.
Serial No.: 09/079,324
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Examiner: L. Le
Art Unit: 1743

Honorable Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

- [✓] Petition under Rule 1.182 and/or 1.183
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Ivan Zitkovsky

Respectfully submitted,


Ivan D. Zitkovsky, Reg. No. 37,482
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone No. (617) 720-3500
Attorneys for Applicants

Docket No.: A0749/7004
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Examiner: L. Le
Art Unit: 1743

Honorable Commissioner for Patents
Washington, D.C. 20231

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NOV 13 2000

PETITION UNDER 37 C.F.R. §1.182 AND/OR §1.183

**REQUEST TO WITHDRAW DECISION TO CONVERT
TO PROVISIONAL APPLICATION, AND
MOTION TO EXPUNGE FROM THE RECORD**

OFFICE OF PETITIONS

Sir/Madam:

Applicant hereby petitions the Commissioner to withdraw the Decision dated March 21, 2000, to convert the pending application U.S. Serial No. 09/079,324, to a Provisional Application. Furthermore, Applicant respectfully asks that this Decision to convert be expunged from the record, and ask the Commissioner to continue treating the above-captioned application as a non-provisional utility patent application.

The facts of the case are as follows:

1. The above-caption application was filed on May 14, 1998.
2. On August 3, 1998, Applicants responded to the Notice to File Missing Parts, submitted an executed Declaration and paid the PTO fees in the amount of \$2,016. Enclosed is a copy of the Filing Receipt confirming that the non-provisional application was properly completed, and the PTO fees in the amount of \$2,016 were paid.
3. By mistake, when responding to the Notice to File Missing Parts, Applicants also submitted on August 3, 1998, a Petition to Convert to Provisional Application under 37 C.F.R. 1.53(b)(2)(ii).

U.S. Serial No.: 09/079,324

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Art Unit: 1743

4. In 1998 or 1999, the Patent Office did not act on the above Petition to Convert and treated this application as a non-provisional utility patent application.
5. On September 24, 1999, the Examiner issued a first Office Action.
6. On October 25, 1999, Applicants responded to the first Office Action.
7. On January 18, 2000, the Examiner issued a Restriction Requirement.
8. On February 15, 2000, Applicants filed a Request to confirm that the previously filed Petition to Convert to Provisional Application has not been entered.
9. On April 17, 2000, Applicant responded to the Restrictions Requirement by electing Group XII, i.e., claims 102-104 (and submitted a Petition for Extension of Time including the extension fees).
10. On March 21, 2000, the Patent Office granted the Petition to Convert, which was filed on August 3, 1998 (i.e., 19 months after filing the Petition and after treating the Application as non-provisional). However, since the date of the Decision to Convert to Provisional Application is more than one year after the filing date of the above-captioned application, this Decision is moot.
11. Applicants hereby confirm the previous withdrawal of their Petition to Convert to Provisional Application (erroneously filed on August 3, 1998) and confirm their intention to treat this application as a non-provisional utility patent application.

Therefore, Applicants respectfully petition the Commissioner to withdraw the Decision to Convert to Provisional Application and expunge from the record this Decision. Furthermore, Applicants respectfully petition the Commissioner to treat (or continue treating) the above-captioned application as a non-provisional utility patent application.

Applicants enclose a Revocation and New Power of Attorney. If there is any outstanding issue left in this Petition, please call the undersigned at the telephone number listed below.

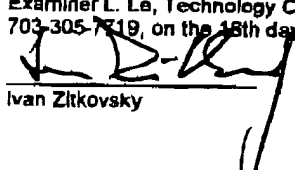
The Commissioner is hereby authorized to charge the required petition fee in connection with this request to our Deposit Account Number 23/2825. A duplicate of

U.S. Serial No.: 09/079,324

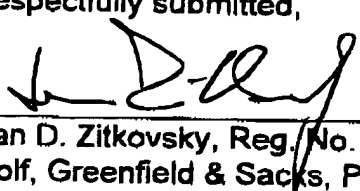
-3-

Art Unit: 1743

this sheet is enclosed.

<p>CERTIFICATE OF FACSIMILE TRANSMITTAL</p> <p>The undersigned hereby certifies that this document is being facsimile transmitted to Examiner L. La, Technology Center 1743, fax no. 703-305-7819, on the 16th day of May 2000.</p> <p> Ivan Zitkovsky</p>
--

Respectfully submitted,


Ivan D. Zitkovsky, Reg. No. 37,482
Wolf, Greenfield & Sacks, P.C.
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Attorneys for Applicants

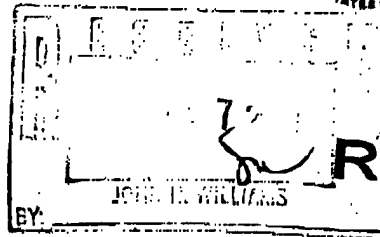
Docket No.: A0749/7004

Dated: May 16, 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

March 21, 2000



Page #8

Fish & Richardson
225 Franklin Street
Boston, MA 02110-2804

MAR 24 2000

FISH & RICHARDSON, P.C.
BOSTON OFFICE

In re Application of:
James W. Overbeck, et al.
Application No.: 09/079,324
Filed: May 14, 1998
Attorney Docket: 09604/012001

COPY

DECISION ON PETITION

This is a decision on your petition received in the Patent and Trademark Office on August 3, 1998, and treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/183,021 the filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

Betty L. Robinson, Program Assistant
Office of Initial Patent Examination
(703) 308-0910

* No Docketing Required *
Reviewed By Practice Systems
Initials: <i>[Signature]</i>
Reviewed By Billing Secretary
Initials: _____

PTO-103X
(Rev. 8-95)FILING RECEIPT
CORRECTED

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/079,324	05/14/98	2872	\$2,016.00	09604/012001	22	113	16

JOHN N WILLIAMS
FISH & RICHARDSON
225 FRANKLIN STREET
BOSTON MA 02110-2804

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SEP 09 1998
FISH & RICHARDSON
BOSTON, MA

COPY

Receipt is acknowledged of this nonprovisional Patent Application. In order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 70 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

JAMES W. OVERBECK, HINGHAM, MA; PETER T. FLOWERS,
MILTON, MA; JEAN I. MONTAGU, BROOKLINE, MA; MYLES L. MACE
SR., DOVER, MA; PETER HONKANEN, ARLINGTON, MA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CIP OF 09/006,344 01/13/98
AND A CIP OF 09/045,547 03/20/98

FOREIGN FILING LICENSE GRANTED 06/02/98

* SMALL ENTITY *

TITLE

DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING ORDERED ARRAYS,
TECHNIQUES FOR ANALYSIS OF DEPOSITED ARRAYS

PRELIMINARY CLASS: 359

* No Docketing Required *
Reviewed By Practice Systems
Initials: <u>hoo</u>
Reviewed By Billing Secretary
Initials: _____